

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOKIA CORPORATION and NOKIA INC.,

Plaintiffs,

v.

INTERDIGITAL COMMUNICATIONS
CORPORATION and INTERDIGITAL
TECHNOLOGY CORPORATION,

Defendants.

C.A. No. 05-16-JJF

**PLAINTIFFS' REPLY IN SUPPORT OF MOTION
FOR EXTENSION OF DISCOVERY DEADLINE AND
MOTION FOR LEAVE TO AMEND COMPLAINT**

Defendants InterDigital Communications Corp. and InterDigital Technology Corp. (collectively "InterDigital") do not oppose Nokia's motion for leave to amend its complaint (D.I. 121). Specifically, InterDigital has stated that, subject to its pending motion to compel arbitration (D.I. 75) and request for leave to file motion for summary judgment (D.I. 86), and reserving its right to seek dismissal of Nokia's amended allegations, InterDigital does not oppose Nokia's motion to amend its complaint (D.I. 135 at 2).

Likewise, InterDigital does not oppose Plaintiffs' motion to extend the discovery deadline (D.I. 125), and has stated that it "will shortly file...a motion for leave to amend its answer to add additional affirmative defenses as well as assert counterclaims for affirmative relief against Nokia" (D.I. 136 at 1). Indeed, in light of "the current status of discovery as well as the new claims sought to be added by Nokia," InterDigital says that the four-month extension

that Nokia requests is not enough.¹ *Id.* InterDigital requests a scheduling conference to set new dates for a discovery extension. *Id.* at 2.

Nokia agrees that another scheduling conference is necessary at this point in the case. Furthermore, because InterDigital does not oppose either of Nokia's motions that have been noticed for the February 2 motion day, Nokia requests that the Court remove its motions (D.I. 121 and 125) from the February 2 calendar, and set a date for a scheduling conference.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Julia Heaney

Jack B. Blumenfeld (#1014)

Julia Heaney (#3052)

1201 N. Market Street

Wilmington, DE 19801

(302) 658-9200

Attorneys for NOKIA CORPORATION
and NOKIA INC.

OF COUNSEL:

ALSTON & BIRD LLP

Patrick Flinn

Lance Lawson

1201 West Peachtree Street

Atlanta, GA 30309

(404) 881-7000

January 26, 2007

¹ InterDigital can assert its new affirmative defenses and counterclaims in response to Nokia's amended complaint, and need not file a motion to amend. *See E.I. DuPont de Nemours & Co. v. Millennium Chemical*, 1999 WL 615164 at *4 (D. Del. 1999).

CERTIFICATE OF SERVICE

I, Julia Heaney, hereby certify that on January 26, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Horwitz
Potter Anderson & Corroon LLP

I also certify that copies were caused to be served on January 26, 2007 upon the following in the manner indicated:

BY HAND AND E-MAIL

Richard L. Horwitz
Potter Anderson & Corroon LLP
1313 N. Market Street
Wilmington, DE 19801
rhorwitz@potteranderson.com

BY E-MAIL

Dan D. Davison
Fulbright & Jaworski LLP
2200 Ross Avenue
Suite 2800
Dallas, TX 75201-2784
ddavidson@fulbright.com

/s/ Julia Heaney

Julia Heaney (#3052)